IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

-

WRIT PETITION NO : 25232 of 2000

Between:

P.Chandrakala, W/o Umamaheswar,
R/o Susrutha Apartments, 3rd Floor, 7th Flat,
Anandbagh, Safilguda, Hyderabad.

..... PETITIONER

AND

1 The District Educational Officer,
Ranga Reddy District at Secunderabad.
2 St. Domnic Savio Model High School, Rep. by its Secretary,
Taranka, Secunderabd.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction especially one in the nature of writ of mandamus declaring that the order in Proceedings No.10089/B3/99, dt. 29.7.2000 of the 1st respondent rejecting the proposals of the management for my appointment as S.G.B. Teacher in pursuance of her selection by the duly constituted selection committee which was communicated to her through the management letter dt. 16.10.2000 as illegal, arbitrary and violative of Articles 14, 16 and 21 of the Constitution of India and further declare that petitioner is entitled to be appointed to the post of S.G.B.T. Teacher in the 2nd respondent school.

Counsel for the Petitioner: MR.M.SURENDER RAO

Counsel for the Respondent no.1: GP FOR SCHOOL EDUCATION

Counsel for the Respondent no.2: None appeared.

The Court made the following :

O R D E R :

Heard Sri M.Surendra Rao, learned counsel for the petitioner and the learned Government Pleader for School Education appearing on behalf of the first respondent.

The petitioner who has been working as Teacher with the second respondent after having passed Graduation-Bachelor of Arts and obtained Bachelor of Education, filed this Writ Petition, *inter alia,* seeking to assail the impugned proceedings dated 29.07.2000 passed by the first respondent rejecting her case for consideration for appointment on regular side in pursuance of the notification issued therefor.

The case of the petitioner is that she has been working already with the second respondent as Teacher and the post having been notified, her name was sponsored by the Employment Exchange for aided post. However, she was shown as belonging to 'BC-B' though she belongs to 'BC-A' category. The second respondent, taking into consideration the mistake as such, did not find favour with the petitioner for the appointment. According to the petitioner, she subsequently got duly corrected the mistake from the Employment Exchange itself, apart from the other documents in support. In spite of the same, the petitioner's case remained unconsidered and in fact, the management sought to reject the same on the ground that the petitioner has shown her caste wrongly. Hence, the Writ Petition.

In the counter affidavit filed by the first respondent, it is stated that having regard to the mistake in submitting earlier proposal, the petitioner's case has been rightly rejected and she should have

obtained proper certificate from the concerned Mandal Revenue Officer and got it corrected. Apparently, the petitioner, with a malafide intention, is trying to mislead the officials and therefore, she is not entitled to any relief.

Considering the submissions made and on perusal of the material, the point which arises for consideration is as to whether the petitioner is entitled for consideration of her case for appointment as S.G.B. Teacher with the second respondent in terms of the recommendation made by the Employment Exchange in pursuance of the notification issued by the management ?

There is no dispute to the fact that the petitioner has been working with the second respondent all along and that her name was sponsored by the Employment Exchange for aided post. However, due to mistake, according to the petitioner, she was shown as belonging to 'BC-B' category, whereas she belongs to 'BC-A'. Having regard to such mistake and especially as if there is suppression from her, the second respondent sought to reject her case. Subsequently, the petitioner got the mistake corrected by the Employment Exchange, supported by other certificates from School which show that she belongs to BC-A category, and therefore, she claims that her case has to be considered as she belongs to BC-A category. It is also her case that there is absolutely no suppression as such and it is only as a result of a mistake. From the above facts and circumstances, it is amply clear that there is no intention as such on the part of the petitioner, much less a wilful suppression in regard to her case. It is only in the class amongst the B.C.s. where the mistake has occurred, which also can not be attributed to the petitioner. In view of the same, the petitioner's case requires to be considered for the said post, to which she applied.

The Writ Petition is, accordingly, allowed, setting aside the impugned

orders and directing the respondents to consider the case of the petitioner for appointment as S.G.B. Teacher in pursuance of the selection already made. No costs.

(B.Prakash Rao, J.)

09.02.2005

DRK

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice, on

Wednesday, the ninth day of February two thousand and five.

… Registrar

Copy to:

1 The District Educational Officer, Ranga Reddy District at Secunderabad.
2 Two CCs to the G.P. for School Education, High Court of A.P., High Court buildings, Hyderabad (o.u.t.).
3 Two CD copies.

C.C. in one week.

B.O.

DRK

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